

NOTICE TO ALL BIDDERS

NOTICE OF INTENT TO SUBCONTRACT FORM

SUBCONTRACTOR UTILIZATION PLAN FORM

PROCEDURES FOR MINORITY-OWNED AND WOMAN-OWNED BUSINESS PARTICIPATION AS SUBCONTRACTORS

The contract(s) to be awarded as a result of this Request for Proposal (RFP) will include minority-owned and woman-owned business subcontracting goals pursuant to NJAC 17:13-4.1(a)2. Each bidder is required to make a good faith effort to meet the set-aside subcontracting goals of awarding seven percent (7%) and three percent (3%) respectively, of the value of the contract to New Jersey-based, New Jersey Commerce and Economic Growth Commission (Commerce)-certified or –certifiable minority-owned and woman-owned businesses. Bidders must respond to this requirement by completing the *Notice of Intent to Subcontract* form. Failure to include a completed and signed *Notice of Intent to Subcontract* form will be sufficient cause to reject a bidder’s proposal as non-responsive.

Any bidder intending to subcontract, pursuant to Section 3.11 of the Standard Terms and Conditions, must complete the *Subcontractor Utilization Plan (Plan)*. Bidders are instructed to list **all** proposed subcontractors on the *Plan*. A bidder intending to subcontract must include a completed and signed *Plan* or be subject to rejection of its proposal as non-responsive.

DEFINITIONS:

“New Jersey-based business” means a business that has its principal place of business located in the State of New Jersey.

“Minority-owned business” means a business that is independently owned and operated and at least 51 percent (51%) of which is owned and controlled by a person/persons who is/are African American, Latino or Asian American.

“Woman-owned business” means a business that is independently owned and operated and at least 51 percent (51%) of which is owned and controlled by a woman or women.

“Commerce-certified or -certifiable” means a business that meets the requirements and definitions of *minority-owned and/or woman-owned* business and has been certified as such or can become certified as such by Commerce. A certification document is issued by Commerce to certified businesses.

“Eligible” means a Commerce-certified or -certifiable minority-owned or woman-owned business that has its principal place of business located in the State of New Jersey.

PROCEDURE:

If a bidder intends to subcontract with eligible businesses, the following actions should be taken to achieve set-aside subcontracting goal requirements:

1. Attempt to locate eligible businesses appropriate to the RFP;
2. Request a listing of minority-owned and woman-owned businesses from Commerce;
3. Record efforts to locate eligible businesses, including the names of businesses contacted and the means and results of such contacts;
4. Provide all potential subcontractors with detailed information regarding the specifications;

PROCEDURE, CONTINUED:

5. Attempt, whenever possible, to negotiate prices with potential subcontractors submitting higher than acceptable price quotes;
6. Obtain, in writing, the consent of the subcontractor to use its name in response to the RFP; and,
7. Maintain adequate records documenting efforts to achieve the set-aside subcontracting goals.

Additionally, if awarded the contract, the bidder shall notify each subcontractor listed in the *Plan*, in writing.

Proposals should also contain the following items with the *Plan*, as applicable:

1. A copy of Commerce's proof of certification for each minority-owned and/or woman-owned business proposed as a subcontractor, or proof that the business has applied for Commerce certification; and,
2. Documentation of the bidder's good faith effort to meet the goals of the set-aside subcontractor requirement in sufficient detail to permit the evaluation committee to effectively assess the bidder's effort to comply if the bidder has failed to attain the statutory goals.

The Division of Purchase and Property may review at any time the subcontracting efforts of the conforming bidders to determine if they have either achieved the set-aside subcontracting goal requirement or engaged in good faith efforts.

Bidders seeking eligible businesses and/or certification of minority-owned and/or woman-owned businesses should contact:

New Jersey Commerce and Economic Growth Commission
Office of Small Business
20 West State Street
PO Box 820
Trenton, New Jersey 08625-0820

Telephone: (609) 292-2146

Each bidder awarded a contract for a procurement which contains the set-aside subcontracting goal requirement shall fully cooperate in any studies or surveys which may be conducted by the State to determine the extent of the bidder's compliance with NJAC 17:13-1.1 et seq., and this *Notice to All Bidders*.